

Section IV: Industrial District

A. Location

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the Town of Rochester, Massachusetts" dated June 2003, as amended, and is hereby declared to be part of this By-law.

(Amended: Article XIX, June 9, 2003 Annual Town Meeting)
(Amended: Article II & III, November 16, 1999 Special Town Meeting)

B. Lot Dimensions

| Min. Lot Area in Sq. Ft. | Min. Lot Frontage In Feet | Min. Front Side, Rear Yards in Feet | Max. Struct. Cover % Lot Area | Minimum Buildable area in square feet |
|--------------------------|---------------------------|-------------------------------------|-------------------------------|---------------------------------------|
| 43,560 | 150 | 40 | 70 | 20,000 |

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)
(Amended: Article XXVII, May 17, 1995 Reconvened Annual Town Meeting)
(Amended: Article X, October 29, 2007 Special Town Meeting)

Minimum industrial building setback from Railroad Right of Way shall be ten (10) feet with no screening requirements.

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)
(Amended: Article XXVIII, June 4, 2001 Annual Town Meeting)

C. Site Plan

1. Site Plan review and approval as specified in Section XVI applies.

(Amended: Article XVII, February 25, 2002 Special Town Meeting)

2. Entrance/Exit

Curb cuts for lot entrances and exits shall be no more than thirty feet in width. Curb cuts may not be less than twenty-five feet apart, providing, however, this distance shall be increased should the lot frontage on the street permit such increase. Any entrance/exit should be located at least fifty-five feet from any street intersections. When feasible business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Provisions shall be made to prevent entering and exiting from other than designated entrances/exits; must be paved for a distance of a minimum of 15 feet from the road pavement.

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)

3. Loading spaces
All off-street loading/unloading spaces shall be provided with adequate off-street maneuvering areas so that it will not be necessary for vehicles to use a public right of way in maneuvering into a loading/unloading space, and so the egress from such areas will not require backing into public streets.
4. Perimeter Vegetative Boundary
Except for lots abutting lots of residential use, a minimum 10 foot perimeter vegetative boundary shall be provided with berms, curbs or other barrier at the inside edge to inhibit vehicular access. This boundary strip shall be landscaped with groundcover, grass, shrubs or evergreen screening.

For lots abutting lots of residential use, perimeter vegetative boundaries shall be 20 feet and provided with berms, curbs or other barriers at the inside edge to inhibit vehicular access. Screening shall be four-season evergreen plantings plus a wall or fence to a height not less than 6 feet.

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)
(Amended: Article XVII, February 25, 2002 Special Town Meeting)
(Amended: Article XXIX, June 4, 2001 Annual Town Meeting)

D. Permitted Uses

(Amended: Renumbered: Article XVIII, May 18, 2009 Annual Town Meeting)

1. Manufacturing, industrial or commercial uses including processing, fabrication, assembly and storage of materials providing no such use is permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining district, and providing the use is not specified as requiring a Special Permit.

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)

2. Permitted uses #1 through #11 of Section V: General Commercial District

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)

3. Display of one sign pertaining to the use of the premises with a total area of less than fifty (50) square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.

(Amended: Article XIX, October 24, 2005 Special Town Meeting)
(Amended: Article II, March 10, 1986 Special Town Meeting)

4. Agricultural, horticultural, viticulture and floriculture upon tracts of

five (5) or more acres.

5. All lots with houses in existence at the time of passage of this by-law shall have the same permitted uses and the same right of appeal for variances or special permits as allowed in the agricultural-residential districts.

E. Uses Permitted by Special Permit

(Amended: Renumbered: Article XVIII, May 18, 2009 Annual Town Meeting)

1. Uses whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production.
2. Any place of business such as a repair shop, gas station or buildings for public utilities.

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)

3. Uses #1 and #2 permitted by Special Permit for Section V: General Commercial District

(Amended: Article XVIII, May 18, 2009 Annual Town Meeting)

4. Display of a sign pertaining to the use of the premises with a total area of more than fifty (50) square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.

(Amended Article 10, Annual Town Meeting May 21, 2012)

5. No structure or accessory structure will be allowed to be erected greater than 100 feet in height without a Special Permit to be issued by the Zoning Board of Appeals.

(Amended: Article XIII, May 19, 1997 Special Town Meeting)

6. The Adult Entertainment District is an overlay district superimposed over the industrial district as defined in the Rochester Zoning By-laws as of April 2003. Future changes in the boundary of this district shall require specific reference to the Adult Entertainment District. The Zoning Board of Appeals shall act as the special permit granting authority and may grant a special permit for any of the following uses within the Adult Entertainment District.

(Amended: Article XX, June 9, 2003 Annual Town Meeting)

(Amended: Article IX, May 19, 1997 Special Town Meeting)

- a. Adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores and nude dancing

establishments, except that they may not be located within 100 feet of each other and 500 feet of the nearest lot lines of:

1. Any zoning district which allows residential use.
- b. Adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores and nude dancing establishments and all advertising signs for same, shall not be located within 150 feet of a public or private way and shall be set back a minimum of 150 feet from all lot lines.
- c. The application for a special permit must include the following information:
 1. Names and addresses of the legal owner of the adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store or nude dancing establishment.
 2. Names and addresses of all persons having a fee, equity, and/or security interest in such store or theater. In the event a corporation, partnership, trust or other entity is listed, the names and addresses of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the special permit granting authority will know who the persons are who actually own and control the store or theater.
 3. Name and address of the manager.
 4. The number of employees, or proposed number of employees, as the case may be.
 5. Proposed security precautions.
 6. The physical layout of the premises.
- d. That the proposed use as defined shall be located at least 1000 feet from any established use where minors usually assemble or congregate, including, but not limited to, day care facilities, schools, churches, parks, and recreational - entertainment facilities.
- e. The permit shall not be issued to any person convicted of violating the provisions of M.G.L., Chapter 119, Section 63, (aiding the delinquency of a child), or M.G.L. Chapter 272, Section 28, (dissemination of harmful materials to minors).

- f. A special permit granted herein shall lapse one year from date of issuance, including such time to pursue or await the determination of an appeal referred to in the Massachusetts General Laws, Chapter 40A, Section 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

(Amended: Article IX, May 19, 1997 Special Town Meeting)

- 7. Personal wireless service facilities in accordance with Section XX.

(Amended: Article V, November 27, 2000 Special Town Meeting)
(Amended: Article XVI, February 25, 2002 Special Town Meeting)

- 8. Medical Marijuana Treatment Centers

The Medical Marijuana District is an overlay district superimposed over the Industrial district as defined in these Zoning By-Laws as of June 9, 2003. Future changes in the boundary of this district shall require specific reference to the Medical Marijuana District. The Zoning Board of appeals shall act as the special permit granting authority and may grant a special permit for any of the uses listed in the definition of Medical Marijuana Treatment Center in Section III.

- a. Purpose and Intent

To provide for the limited establishment of Medical Marijuana Treatment Centers in appropriate places and to minimize the adverse impacts of Medical Marijuana Treatment Facilities on residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.

- b. Location

No Medical Marijuana Treatment Center may be located within 1,000 feet of a school, church or other religious use, child care facility, family child care home, park, playground, drug or alcohol rehabilitation facility, or other Medical Marijuana Treatment Center. Distance shall be measured as the shortest between buildings, or as the shortest distance between the building of the Medical Marijuana Treatment Center and the lot line of a church, child care facility, school, park, playground or other recreational area.

(Amended: Article 6, November 25, 2013 Special Town Meeting)